

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

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In Re:) Case No. 19-30088
) Chapter 11
PG&E CORPORATION AND PACIFIC)
GAS AND ELECTRIC COMPANY) San Francisco, California
) Monday, April 15, 2024
Reorganized Debtors.) 10:00 AM
)
STATUS CONFERENCE REORGANIZED
DEBTORS' OBJECTION TO PROOF
OF CLAIM NO. 2090 FILED BY
AMIR SHAHMIRZA [12130]

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DENNIS MONTALI
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES (All present by video or telephone):

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Proceedings recorded by electronic sound recording;
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1 SAN FRANCISCO, CALIFORNIA, MONDAY, APRIL 15, 2024, 10:00 AM

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3 (Call to order of the Court.)

4 THE CLERK: Court is now in session, the Honorable
5 Dennis Montali presiding. Calling the matter of PG&E
6 Corporation.

7 THE COURT: All right. Good morning.

8 Mr. Lamb.

9 MR. LAMB: Good morning, Your Honor. This is Steve
10 Lamb for the reorganized debtors.

11 THE COURT: Mr. Jacobson.

12 MR. JACOBSON: Good morning, Your Honor. Lawrence
13 Jacobson appearing for the claimant.

14 THE COURT: Ms. Parada, can you hear me and see me all
15 right?

16 THE CLERK: Yes, Your Honor. I can.

17 THE COURT: I'm operating off of my little hot spot.
18 Do you gentlemen have internet where you are?

19 MR. LAMB: I can hear you, Your Honor.

20 THE COURT: Mr. Jacobson, got the internet working?

21 MR. LAMB: Yes.

22 THE COURT: So we've been without internet over here
23 in the East Bay since midnight so --

24 MR. LAMB: Oh.

25 MR. JACOBSON: You also have a busy freeway.

1 THE COURT: Well, yeah. I stayed off the freeway and
2 the Golden Gate Bridge, that's for sure.

3 I guess Mr. Rupp is joining us. Hold on.

4 Mr. Rupp, you coming in?

5 MR. RUPP: I'm trying, Your Honor.

6 THE COURT: Okay. Well, you're have the same problem
7 I'm having.

8 Well, Mr. Lamb, Mr. Jacobson, I read your statements,
9 and thank you for your statements. I wouldn't want to try to
10 take a written exam on everything you said.

11 But Ms. Parada, did you see the statement and the
12 date? Did I (audio interference) I gave you a heads up about
13 the dates that they want to move the trial to in September,
14 right?

15 THE CLERK: September, Your Honor. Yes.

16 THE COURT: Yeah. So those dates are okay. We may
17 have one slight hang up for one short period of time on one of
18 the mornings, but we're move the trial to those dates. I'm not
19 sure what else you think I should be doing today.

20 So Mr. Jacobson, why don't you go first. Is there an
21 action item I'm supposed to deal with today? Since you
22 gentlemen seem to be making progress.

23 MR. JACOBSON: We are making progress. We've
24 developed a fairly detailed schedule that is presented in our
25 respective statements. We have a discovery --

1 THE COURT: Right.

2 MR. JACOBSON: -- issue to resolve. And the action
3 item for you would be to give us your thoughts on the manner in
4 which to proceed. We are aware that your courtroom rules
5 provide for an informal procedure, and we respect that. And if
6 that could be made to work for an early resolution, that would
7 be desirable.

8 The qualifier to that is that the analysis is somewhat
9 specific. Our document request is related to the three
10 declarations by the PG&E supposed experts by page and line
11 numbers and topics. And PG&E has a different point of view,
12 apparently, with respect to what it's going to produce.

13 I would suggest is, is an approach that if you would
14 be able to review our respective meet-and-confer letters, there
15 are two of them each that set out I think fairly completely our
16 positions, perhaps with a transmittal email, and then have a
17 telephonic conference to discuss those discovery issues, that
18 would be a method of dealing with the discovery dispute.

19 THE COURT: Well, the statement, Mr. Jacobson, that
20 you filed did mention three declarants, but you didn't include
21 copies with the emails there. And that's what you're
22 suggesting you would submit to me now?

23 MR. JACOBSON: Yes. I was not intending to present to
24 you the substance back-and-forth of the --

25 THE COURT: Okay.

1 MR. JACOBSON: -- dispute just to indicate the nature
2 of it.

3 THE COURT: Mr. Lamb, what's your pleasure on this?

4 MR. LAMB: My pleasure, Your Honor, is to do it in a
5 manner that is most expeditious for you. So --

6 THE COURT: Okay.

7 MR. LAMB: -- if that's what Mr. Jacobson wants to do,
8 we can do that. I think we should probably have some type of
9 relatively brief -- like a letter brief on what our relative
10 positions are so that we can compile it for you rather than --
11 I mean, we can attach the email chain, but it's rather
12 voluminous, of the meet-and-confer.

13 MR. JACOBSON: I'm not suggesting the email chain, but
14 I think each of us have two formal meet-and-confer letters in
15 letter style.

16 MR. LAMB: We do.

17 THE COURT: Well, Mr. Jacobson, you've appeared before
18 me as long as I've been on the bench. Mr. Lamb's somewhat of a
19 newcomer with me. But obviously, as long as I've been on the
20 bench, I've found that formal discoveries, motions to compel
21 were just too time consuming. And it was so much easier to
22 have emails or even before we had emails, brief letter or
23 statement. And then half the time they get resolved, or three
24 quarters of the time. And that's really all I want to do.

25 So I'll do whatever works to try to facilitate it.

1 And to that end, if you had given me little letter briefs
2 before today, I might have been able to just have a discussion
3 with you today. But if you think letter -- I don't know
4 whether it should be letter briefs or lengthy email chains.
5 Obviously, each of you feels strongly about your position, and
6 I'm supposed to make a decision. So whatever works. So why
7 don't we say short letter briefs.

8 Mr. Jacobson, is that something that could be done in
9 two or three pages, do you believe?

10 MR. JACOBSON: I would prefer a two or three-page
11 letter, as Mr. Lamb suggests, that is more global and
12 authorities-related but attaching our meet-and-confer
13 correspondence because those letters deal with the details.

14 I think we want to avoid two things. We want to avoid
15 the local civil rule process of present the request, the
16 objection, the argument, and deal with it informally. And I
17 think secondly, we want --

18 THE COURT: Right.

19 MR. JACOBSON: -- to avoid just the lengthy, hard-to-
20 follow email threads. So I think we can do that with the two
21 or three-page global authoritative letter that attaches the two
22 only meet-and-confer letters.

23 THE COURT: Before Mr. Lamb responds, let me tell you
24 that I've noticed in the last couple of years, more and more
25 disputes include lengthy cites to things that other federal

1 judges have done elsewhere. And I get these long cites, and
2 almost every time it happens, I realize that our case is not
3 the same as that other case. So I kind of say, well, that's
4 interesting that magistrate judge so-and-so or district judge
5 so-and-so did such and such, but usually it doesn't help me
6 much.

7 So if you have authoritative things like court of
8 appeals decisions or Supreme Court, I guess I have to follow
9 them. But let's not worry about that. I'm just telling you
10 that when I get these long cites to unpublished decisions of
11 fellow trial-level judges, it's not terribly helpful.

12 Mr. Lamb, are you okay with Mr. Jacobson's suggestion
13 of --

14 MR. LAMB: Yes, Your Honor.

15 THE COURT: -- a three-page --

16 MR. LAMB: Yes, Your Honor.

17 THE COURT: -- letter brief --

18 MR. LAMB: Sure.

19 THE COURT: -- (indiscernible) by your -- okay. Well,
20 should we do it -- shall I be really Solomon-like and give you
21 a date to do them simultaneously? And then either you submit
22 it on the papers, or if I feel that I really need a hearing,
23 I'll call you and maybe just a telephone hearing on an
24 expedited basis.

25 What do you think? Does that work, Mr. Jacobsen?

1 MR. LAMB: I think it would be --

2 MR. JACOBSON: Yes, perhaps about two weeks out.

3 MR. LAMB: I think it would be --

4 THE COURT: That far? Okay. Mr. Lamb.

5 MR. LAMB: I think it would --

6 THE COURT: Huh?

7 MR. LAMB: Your Honor, if I may, I think it would be
8 helpful if we have --

9 THE COURT: Okay.

10 MR. LAMB: -- at least a week to respond, because I've
11 had some difficulty making sure we're framing the issues
12 together so --

13 THE COURT: Okay.

14 MR. LAMB: -- because it's really their contention.
15 And I can respond in a week. That'd be fine. But that'd be
16 helpful.

17 THE COURT: Okay. Okay. So your suggesting is
18 Jacobson go first with let's say a three-page letter brief plus
19 what he calls the formal letters, and then you'll have a week
20 to respond after that. Fair enough?

21 MR. LAMB: Absolutely, Your Honor, that'd be great.

22 THE COURT: Is a week enough for you --

23 MR. JACOBSON: Your Honor, in that sequence --

24 THE COURT: -- Mr. Jacobson?

25 MR. JACOBSON: -- could I have a short reply?

1 THE COURT: Oh, my (audio interference) what if we ask
2 for a surreply?

3 MR. JACOBSON: Two-page reply. Sure.

4 THE COURT: How about a surreply, only one page? I
5 mean, again, that's what I'm -- that's what I'm trying to
6 avoid. Look --

7 MR. JACOBSON: I'm asking for two weeks because I have
8 some travel planned in the next couple weeks.

9 THE COURT: No, no, no. I'm happy to give you the
10 time. I'm resisting the reply more than anything else because
11 that was the wisdom of my simultaneous briefs and your
12 colleague, as they say in the Supreme Court, your friend on the
13 other side said he wants to reply.

14 I'll tell you what, Mr. Jacobson. Two weeks, opening
15 brief. One week after that, Mr. Lamb response. No reply
16 unless I need one. I'm not bashful about asking, but hopefully
17 in about three weeks, I'll either be able to make a ruling, or
18 I'll set up a telephone conference on an expedited basis.

19 So two weeks from Mr. Jacobson, three pages plus
20 copies. And one week after that, Mr. Lamb.

21 MR. LAMB: Sure. What dates are we talking about,
22 then? Let me just --

23 THE COURT: Well, today, it's April 15th.

24 UNIDENTIFIED SPEAKER: (Indiscernible) trouble
25 understanding --

1 THE COURT: Today, it's the --

2 MR. JACOBSON: -- why they're not simultaneous.

3 MR. LAMB: What?

4 MR. JACOBSON: I'm saying --

5 THE COURT: Well, because he's saying --

6 MR. JACOBSON: -- (indiscernible) having trouble
7 understanding why they're not --

8 THE COURT: -- that you're framing that
9 (indiscernible).

10 MR. JACOBSON: -- not simultaneous.

11 THE COURT: Okay. Mr. Lamb, make your pitch for not
12 simultaneous.

13 MR. LAMB: Well, it's their motion. It's their
14 argument. I want to make sure I know what their argument is
15 because we've gone back and forth on meet-and-confer, which
16 some things I think we've agreed to, but I'm not sure we have.

17 So if it's the claimant's motion, I would like to know
18 what the position is and what's left, and then I'll respond. I
19 mean, we're not talking about bringing a motion.

20 THE COURT: Well, Mr. Jacobson, I'm going to --

21 MR. JACOBSON: (Indiscernible) --

22 THE COURT: -- I'm going to with that. I think I have
23 to -- I have to make a decision somewhere, and I'm going to
24 stick with, with that proposal that I repeated to you. I
25 promise you that if I am so completely bamboozled by the

1 response, I'll give you a chance to make a reply. But
2 hopefully, I'll either make a decision that everybody can live
3 with, or we'll have a telephone conference. And obviously, you
4 can reply in your conference. I just want to avoid the lengthy
5 back-and-forth because there's a lot of duplication in that.

6 So you enjoy your vacation. Today is April 15th.
7 We'll say two weeks from today. Does that work for you

8 MR. JACOBSON: Yes.

9 THE COURT: Are you comfortable with that, Mr. Lamb?
10 Do you want a little more time?

11 That's okay?

12 MR. LAMB: (Indiscernible) more time?

13 THE COURT: Take more --

14 MR. LAMB: I'm sorry.

15 THE COURT: -- if you want. You want more?

16 MR. JACOBSON: I'm just trying to find a calendar.
17 Two weeks goes to when?

18 THE COURT: Today is April 15th. So it's April 29th.

19 MR. JACOBSON: Which would -- how about the --

20 THE COURT: Don't mess up your vacation.

21 MR. JACOBSON: How about the Friday of that week,
22 whatever?

23 THE COURT: Okay. What's that? May 3rd? I don't
24 have my calendar up.

25 MR. JACOBSON: Yeah.

1 MR. LAMB: It'd be May 3rd, Your Honor.

2 THE CLERK: Yes, Your Honor. May 3rd.

3 MR. JACOBSON: Yeah.

4 THE COURT: May 3rd.

5 MR. LAMB: And then May 17th -- I'm sorry. May 17th
6 for the reorganized debtors?

7 MR. JACOBSON: I thought it was one week, the 10th.

8 THE COURT: Well, come on.

9 MR. LAMB: Oh, I'm sorry. That's right.

10 THE COURT: You just took some more time.

11 MR. LAMB: No, you're right. You're right. I'm
12 sorry.

13 THE COURT: Mr. Lamb, here's your chance to score big
14 time. If Mr. Jacobson is filing his paper on May 3rd, when
15 would you be comfortable filing your response?

16 MR. LAMB: I can do it on May 10th. That's fine. I'm
17 sorry.

18 THE COURT: Okay.

19 MR. LAMB: I looked at the calendar wrong. That's my
20 fault. Okay.

21 THE COURT: All right. May 3rd, Mr. Jacobson, three
22 pages plus letters. May 10th, Mr. Lamb, three pages plus the
23 prior letter responses. Matter either submitted, or I will
24 call for either a reply if appropriate or set up a telephone
25 conference on an expedited basis that would be done.

1 Meanwhile --

2 MR. LAMB: And if I may -- if I may --

3 THE COURT: -- we'll stick with those --

4 Yes, sir.

5 MR. LAMB: Your Honor, if Mr. Jacobson has --

6 THE COURT: Yes.

7 MR. LAMB: -- some kind of issue with some timing and
8 needs some extra time and wants to shift it, I'll deal with
9 that. I don't want to be difficult in this regard at all.

10 THE COURT: Okay. And we're moving our trial date to
11 the September dates that are in your papers. It's three days
12 in September. That'll be -- did I forget what I said before?
13 But that'll be live in court in San Francisco.

14 MR. LAMB: Right.

15 THE COURT: That's the plan. Okay.

16 MR. LAMB: Yes, we'll --

17 THE COURT: Well, anything else?

18 MR. JACOBSON: Yes. Would you set a further status
19 conference or a date for making a trial scheduling order with
20 respect to lists of witnesses, exchange of documents? There
21 was comment about demonstratives.

22 THE COURT: Well, I have a -- I normally have -- I
23 have just kind of a standard one for that. I can make it
24 personalized if you want. Believe it or not, I'm still bullish
25 to think the mediation will succeed, but maybe I'm crazy.

1 MR. JACOBSON: All right. That's all good. I'm just
2 trying to deal with structure. At some point, there will be a
3 trial scheduling order, correct?

4 THE COURT: Again, going back to the way I was -- as
5 long as I've been on the bench, I've had kind of a standard
6 trial scheduling order. We had to modify it to deal with
7 COVID, and now we've been dealing with in-person. But it's all
8 subject -- in complicated cases, what I've had -- what I've
9 done is I've had my judicial assistant work with me on the
10 order. And then I send out the -- have her send out that the
11 scheduling order for comments in case there's something that
12 I've overlooked because of the nature of it.

13 So why don't we leave it that way, Mr. Jacobson, that
14 sometime let's say in May, if not earlier, Ms. Thomas, my
15 judicial assistant, will forward to both of you a proposed
16 trial scheduling order. And it's just there for each of you to
17 comment about this, we need more time for this or that or
18 whatever. It's not to make it a big deal. It's to make it
19 work and again, with the hope that it'll never really come to
20 be.

21 And because of the nature of this case and the way
22 it's gone on and the time spent on it, I will include an actual
23 pre-trial conference with you probably two months or so before
24 the trial date to talk about everything we need to talk about.
25 So there's plenty of time to be able to make that work to both

1 sides' satisfaction. Okay. Fair enough?

2 MR. JACOBSON: Thank you. My request was awkward, but
3 that is the information I was asking.

4 THE COURT: It wasn't awkward, and I hope my answer
5 wasn't awkward. Have a nice vacation, Mr. Jacobson, and get
6 your discovery stuff ready.

7 Mr. Lamb, thank you, or anything -- again, I'm not
8 trying to get rid of you. Do we need to talk about anything
9 else?

10 MR. LAMB: No, thank you, Your Honor. That's good,
11 Your Honor.

12 MR. JACOBSON: It for now.

13 THE COURT: Okay. Well, I'm going to -- I'm glad my
14 internet'll work for this long. Okay. Thank you, gentleman.

15 IN UNISON: Thank you, Your Honor.

16 THE COURT: Have a nice day.

17 MR. LAMB: Thanks.

18 (Whereupon these proceedings were concluded at 10:17 AM)
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C E R T I F I C A T I O N

I, River Wolfe, certify that the foregoing transcript is a true
and accurate record of the proceedings.



/s/ RIVER WOLFE, CDLT-265

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Phoenix, AZ 85020

Date: April 16, 2024

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